

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC, d/b/a
BRAZOS LICENSING AND
DEVELOPMENT,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE
COMPANY,

Defendant.

Civil Action No. 6:20-cv-00725-ADA
Civil Action No. 6:20-cv-00726-ADA
Civil Action No. 6:20-cv-00727-ADA
Civil Action No. 6:20-cv-00728-ADA

**DEFENDANT’S MOTION REQUESTING LEAVE TO FILE
ITS SURREPLY CLAIM CONSTRUCTION BRIEF IN EXCESS OF 15 PAGES**

Defendant Hewlett Packard Enterprise Company (“HPE”) hereby moves for leave to file its Surreply Claim Construction Brief in the above-captioned cases with up to 21 pages, which is 6 pages in excess of the 15 pages permitted under the Court’s November 9, 2020 Order Governing Proceedings.¹ Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“WSOU”), through counsel, has indicated that it does not oppose this motion.

WSOU filed a motion requesting the same six-page extension for its reply brief, which it submitted along with that brief on April 8, 2021. As WSOU notes in that motion, its opening brief was several pages short of the 30-page limit. HPE’s responsive brief was also several pages under the 30-page limit, and it now seeks only to preserve parity between the parties’ reply and

¹ The parties agreed, and the Court approved, that the parties should file combined claim construction briefs addressing the disputed terms of the asserted patents in each of the four above-captioned cases. Because these briefs address the disputed terms of four patents, the Court’s Order Governing Proceedings provides that opening and response claim construction briefs may be up to 30 pages and reply and surreply briefs may be up to 15 pages.

surreply briefs. WSOU has already submitted its 21-page reply and HPE is preparing a full response to that brief in its surreply. The requested extension will not prejudice WSOU, and HPE believes that it will not impose any additional burden on the Court, and will in fact be helpful the Court given HPE's greater ability to clarify its position and the parties' disputes in the additional pages. Accordingly, HPE respectfully requests leave to file a surreply claim construction brief of up to 21 pages in order to adequately address the issues. A proposed order is attached.

Date: April 21, 2021

Respectfully submitted,

By: /s/ Barry K. Shelton

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of April 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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